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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,411	10/09/2002	Janne J. Kallio	915-003.006	5550

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EXAMINER

TORRES, MARCOS L

ART UNIT PAPER NUMBER

2683

DATE MAILED: 08/26/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/070,411

Applicant(s)

KALLIO ET AL.

Examiner

Marcos L Torres

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date g.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5,7-8, 10-11 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Soliman.

As to claims 1, 8 and 10-11, Soliman discloses a frequency setting unit for a radio telecommunications network wherein base stations transmit at an accurately set frequency derived from a reference signal, the network comprising a first, reference base station controlled by a first controller transmitting signals at a first frequency, and a second base station controlled by a second controller and transmitting at a second frequency; the frequency setting unit comprising: a radio receiver for receiving signals from the first base station; analysis apparatus for analyzing the received signals to determine the first frequency; and frequency setting apparatus responsive to the analysis apparatus and coupled to the second base station by means of the second controller for adjusting the second frequency with the aim of establishing a desired relationship between the second frequency and the first frequency (see col. 1, line 55 – col. 2, line 65; col. 6, line 62 – col. 7, line 49).

As to claims 2-5 and 7, Soliman discloses a frequency setting unit wherein said reference signal is provided by a reference clock where a pulse train is sent to said first controller, to derive a set of pulse trains that are sent to said first base station, wherein the second base station comprises a clock and the frequency setting apparatus is capable of transmitting a clock setting signal to the second base station for setting the clock, wherein the clock setting signal comprises a stream of clock pulses (see col. 4, line 58 – col. 6, line 65).

As to claim 16, Soliman discloses a frequency setting unit wherein said telecommunications network is operable according any communications standard (see col. 9, lines 61- col. 10, line 4).

Regarding claim 17 is the corresponding method claims of apparatus claim 1. Therefore, claim 1 is rejected for the same reason shown above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman in view of Toda.

As to claim 13, Soliman discloses everything claimed as explained above except for a frequency setting unit comprised in said second controller. Toda discloses a frequency setting unit comprised in said second controller (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both teaching for enhanced reliability and versatility.

7. Claims 12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman in view of Bauchot.

As to claims 12 and 14-15, Soliman discloses everything claimed as explained above except for wherein the second base station is connected to another telecommunications network by means of an asynchronous connection. Bauchot discloses wherein the second base station is connected to another telecommunications

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network by means of an asynchronous connection (see col. 2, line 61 – col. 3, line 10).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Soliman apparatus for the simple reason of compatibility.

8. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soliman in view of Gass.

As to claim 9, Soliman discloses everything claimed as explained above except for wherein said desired relationship is such that the second frequency is a multiple of the first frequency by shifting the frequency of said internal clock within the second controller. Gass discloses wherein said desired relationship is such that the second frequency is a multiple of the first frequency by shifting the frequency of said internal clock within the second controller (see col. 4, lines 7-16). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for enhanced quality in the communication.

As to claim 6, Soliman does not specifically disclose wherein said clock setting signal is derived from an internal clock within the controller. However, OFFICIAL NOTICE IS TAKEN THAT the use of internal clocks is a common and well-known technique. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use this technique for a reliable operation.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Sharrit U.S. Patent US006185205B1

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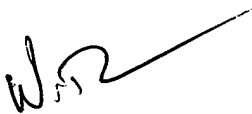
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres  
Examiner  
Art Unit 2683

Mlt



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**